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PRINCIPLES ON GENERAL RIGHTS AND OBLIGATIONS

Letter dated 17 July 1991 from the Permanent Representative of Peru to the United Nations Office at Geneva addressed to the Secretary-General of the United Nations Conference on Environment and Development

PERMANENT MISSION OF PERU
TO THE OFFICE OF THE
UNITED NATIONS AT GENEVA

I have the honour to enclose herewith the document of Peru "Suggestions and Points for the Development of the Earth Charter".

This document is a contribution by my delegation for the deliberations of the third session of the Preparatory Committee for the United Nations Conference on Environment and Development and for the Conference itself, to be held in Rio de Janeiro in June 1992.

I should be extremely grateful if this document could be distributed at the third session of the Preparatory Committee.

(Signed) Oswaldo de Rivero
Ambassador
Permanent Representative

* A/CONF.151/PC/39.

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## Annex

## Suggestions and points for the development of the Earth Charter

### I. International category and structure

The Earth Charter should be an international instrument in the same category as the Universal Declaration of Human Rights. In that context, it should be approved by the Conference of Rio de Janeiro and thereafter by the General Assembly of the United Nations.

In this way, the Charter would emanate from the most representative body of the international community and, like the Declaration of Human Rights, would serve as a common standard for all peoples, nations and States in their approach to the environment and to development.

The Earth Charter should be drafted in a clear and direct manner, so as to be comprehensible to all our peoples, and in particular, to young people. Sophisticated concepts of a philosophical, political, legal or economic nature should be set aside and a form be found in which the Charter can be put across to the majority of the Earth's population. The purpose of the Charter is to succeed in making the population of the globe identify itself with the principles, rights and obligations therein.

The Earth Charter should comprise the following sections:

Preamble

Objectives

Articles setting out general principles, rights and obligations

Articles setting out specific principles, rights and obligations

Operative articles, and

Articles setting out final provisions.

### II. Preamble

1. The Preamble must make an impact. It must embody a new ecological, ethical and cultural concept that makes the point, inter alia, that human beings are an integral part of the natural world and that we must maintain a harmonious relationship with the Earth.

2. It should be asserted that the incipient historical development of an ecological culture and ethic has created a disharmony between man and the natural world. This statement could be followed by a summary of the main ecological and global problems, describing the deteriorating situation of the environment, including the problems of extreme poverty, and emphasizing, as appropriate, the threats that exist for present and future generations.

3. It would then be necessary to define clearly and briefly the concept of sustainable development and the new relationship that could develop if we were to adopt a new concept and attitude towards our planet, the Earth.

4. It should be emphasized in the Preamble that, following the ending of the cold war, international security for the twenty-first century will be general and global security firmly based on protection of the environment and the implementation of sustainable development, on the elimination of extreme poverty, and on disarmament, respect for human rights and the implementation of democracy.

5. The Preamble should end with an appeal to humanity to act so as to promote the Earth Charter.

## III. Proposals

It should be stated in this section that the General Assembly proclaims the Earth Charter as a means of promoting, inter alia, the following proposals:

To serve as a standard of conduct for the protection and improvement of the environment of our planet for present and future generations;

To serve as a common ideal providing inspiration for national legislation and cooperation and for international law;

To promote effective preventive measures and measures to protect and improve the environment and to achieve sustainable development;

To develop a global ecological ethic and culture;

To strengthen the principles and proposals of the United Nations.

## IV. Articles

The Charter should be divided into three chapters. The first chapter or section would set out the articles relating to the general, universal and guiding principles, i.e. the basic rights and obligations such as the principle of equity, the principle of sustainable development, the principle of prevention, etc.

The second chapter or section should set out articles containing principles, rights and obligations of a specific nature such as protection of the atmosphere, the oceans and the resources of the Earth, biological diversity, toxic substances, etc.

The third chapter or section would set out articles concerned with the principles, rights and obligations of international cooperation to give effect to the Charter, such as the presentation of reports by States, consultations, collective actions for environmental protection, settlement of disputes, etc.

(a) General principles, rights and obligations

In this chapter or section the Charter should include, inter alia, the following principles for the drafting of articles on general rights and obligations:

- the right of every individual to enjoy a healthy and balanced environment;

- the obligation on individuals, enterprises, institutions and governments to protect, improve and regenerate the environment for the benefit of present and future generations;

- the sovereign right of States to exploit their natural resources through their environmental policies and their responsibility to ensure that activities under their jurisdiction and control do not cause environmental damage;

- the objective responsibility and obligation of individuals, employers, institutions and States to make good damage;

- the obligation to take precautions when activities may affect the environment, including preventive measures;

- prior assessment of environmental risks and the notification of all persons or entities concerned or potentially affected;

- primacy of sustainable development in the long-term over individual interests or short-term interests and allocation of environmental costs to economic activities;

- establishment of the principal that whoever is responsible for the greatest contamination shall bear the greater obligation to protect and regenerate the environment;

- common responsibility, with differentiation between industrialized countries and developing countries;

- special and differentiated treatment, consisting in the giving of additional resources and transferring technology to developing countries;

- the obligation of States, transnational corporations, institutions and NGOs to cooperate globally and regionally to protect, preserve and regenerate the environment;

- access to information on environmental risks.

(b) Specific principles, rights and obligations

In this chapter or section the Charter should include, inter alia, the following principles for the drafting of articles on specific rights and obligations:

- the obligation to protect the atmosphere, to combat climatic change and to cooperate to avoid deterioration of the ozone layer;

- protection of the oceans and seas, coastal areas, rivers, lakes and islands and rational use of marine living resources;

- protection of the resources of the Earth and the right to make fitting use of them, and the combating of desertification, deforestation and their consequences;

- preservation of biological diversity;

- protection of the quality of drinking water and drinking water supply;

- adequate and ecological handling of wastes and toxic substances and the prevention of illegal international traffic in these and other hazardous products;

- a human settlement and population policy to improve the quality of life of the poorest strata in urban and rural areas;

- abstention as an international responsibility from destruction of the environment or harm to it in armed conflicts;

- promotion of education on the environment and sustainable development.

(c) Operative principles, rights and obligations

In this chapter or section the Charter should comprise the principles for making the Earth Charter operative and effective.

The articles setting out the rights and obligations of this chapter of the Earth Charter would be within the competence of the institutional machinery for the environment and development and should include, inter alia:

- the obligation of States to submit reports on the environmental situation and the carrying out of the Earth Charter;

- the organization of conferences or meetings within specified intervals to examine the carrying out of the Earth Charter;

- consultations between institutions, States, non-governmental organizations and transnational corporations to deal with specific cases of environmental protection, or to take preventive measures relating to activities liable to affect it;

- the right to communications or allegations of a confidential nature in cases of serious, flagrant and persistent damage to the environment;

- the resolution of disputes through consultations, the good offices of third parties, mediation, conciliation, arbitration and judicial settlement.

## V. Final provisions

The final section of the Earth Charter should include, inter alia, articles to the following effect:

- all individuals, enterprises, institutions and States shall comply fully and faithfully with the provisions of the Earth Charter;

- nothing in the present Charter shall be capable of being interpreted in the sense of conferring a right on any person or persons, enterprises, institutions and States to undertake and develop activities or actions tending to breach the principles, rights and obligations proclaimed in the Earth Charter.

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